

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION)	
OF SUSSEX SHORES WATER COMPANY)	
FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO)	PSC DOCKET NO. 20-0141
PROVIDE WATER SERVICES PURSUANT)	
TO 26 <i>DEL. C.</i> § 203C (“CEDAR SHORES)	
CONDOMINIUM PROJECT”))	
(FILED FEBRUARY 11, 2020))	

ORDER NO. 9555

AND NOW, this 18th day of March 2020, the Delaware Public Service Commission (“Commission”) determines and orders the following:

WHEREAS, on February 11, 2020, Sussex Shores Water Company (“SSWC”) filed an application (“Application”) pursuant to 26 *Del. C.* § 203(C)(e)(1)b.2 with the Commission seeking a Certificate of Public Convenience and Necessity (“CPCN”) to provide water services to the Cedar Shores Condominium Complex (“Cedar Shores”) in Ocean View, Delaware, which consists of three parcels of land owned by Cedar Shores Condominium Association, Inc. in Sussex County, Delaware, more specifically identified as Tax Map Parcel Nos. 134-8.00-153.00, 134-8.00-153.01, and 134-8.00-153.02 (the “Proposed Service Area”); and

WHEREAS, Commission Staff (“Staff”) reviewed the Application to ensure compliance with the statutory provisions of 26 *Del. C.* § 203C, and compliance with 26 *Del. Admin. C.* § 2002, the Commission’s “Regulations Governing Certificates of Public Convenience and Necessity for Water Utilities” (the “Regulations”); and

WHEREAS, on February 13, 2020, SSWC filed a request for a waiver of the publication requirement set forth in 26 *Del. Admin. C.* § 2002 – 10.7, specifically, the requirement that within

ten days of filing the Application, notice of the Application be published in two newspapers of general circulation; and

WHEREAS, Staff notes that the Application included the required evidence pursuant to 26 *Del. C.* § 203C(g)(1), which requires that Applicants seeking a CPCN for a condominium association provide certification signed by an authorized officer of the association that the officer is properly authorized to sign the petition for water service and that all condominium unit owners have been provided notice of the Application; and

WHEREAS, to determine whether the Commission should deny the requested CPCN as set forth in 26 *Del. C.* § 203C(f), Staff solicited comments from the Delaware Department of Natural Resources and Environmental Control (“DNREC”), the Office of the State Fire Marshal (“SFM”), and the Office of Drinking Water of the Division of Public Health (“ODW”). DNREC, SFM, and ODW responded and confirmed they have no issues relating to SSWC’s ability to provide safe, adequate, and reliable water services to its existing customers. Staff also notes that it has received no other comments regarding SSWC or the Application; and

WHEREAS, Staff has submitted to the Commission a memorandum recommending that the Commission grant the requested waiver of newspaper publication of the Application, confirming the Application otherwise meets all the requirements for granting SSWC a CPCN for water services pursuant to 26 *Del. C.* § 203C and the Regulations, and therefore recommending that the Commission approve the Application;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE
VOTE OF NO FEWER THAN THREE COMMISSIONERS:**

1. That, given the separate statutory framework for notification to a landowner who is a condominium association and given that the landowner, Cedar Shores Condominium Association, Inc., passed a resolution supporting the Application, the Commission grants

SSWC's request for a waiver of the publication requirements set for in 26 *Del. Admin. C.* § 2002 – 10.7.

2. That, pursuant to 26 *Del. C.* § 203C, the Commission grants a CPCN to SSWC to provide water services to the Proposed Service Area identified as Tax Map Parcel Nos. 134-8.00-153.00, 134-8.00-153.01, and 134-8.00-153.02.

3. That SSWC shall comply with any and all federal, state, county, and local statutes, ordinances, orders, regulations, rules, and permit conditions that are applicable, or may become applicable, to any matter involving water utility services provided to the service territory granted by this CPCN.

4. That the Commission reserves the jurisdiction and authority to enter such further orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Chairman

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Secretary